

**FLATHEAD COUNTY PLANNING BOARD MEETING  
MINUTES OF THE MEETING  
DECEMBER 20, 2006**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Randy Toavs, Gordon Cross, Jeff Larsen, Gene Dziza, Don Hines, Kim Fleming, Frank Dekort, Charles Lapp, and Kathy Robertson. Kirsten Holland, Anne Thompson and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 60 people in the audience.

**PUBLIC  
REVIEW**

Jeff Larsen reviewed the public hearing process for the public.

**APPROVAL OF  
MINUTES**

Fleming made a motion seconded by Dziza to approve the September 20, 2006 meeting minutes.

The motion was carried by quorum.

Robertson made a motion seconded by Dziza to approve the September 27, 2006 meeting minutes.

The motion was carried by quorum

Dziza made a motion seconded by Hines to approve the November 15, 2006 meeting minutes.

The motion was carried by quorum.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

Russ Crowder, of America Dream Montana, handed out plaques to Jeff Larsen and Charles Lapp, who were not reappointed to the Planning Board, and thanked them for their time and dedication to the Board.

**PRELIMINARY  
PLAT/  
SOUTH FORK  
ADDITION  
HUNGRY  
HORSE  
(FPP 06-53)**

A request by Hungry Horse Development Partners for preliminary subdivision plat approval on approximately ninety (90) acres. The property is located south of U.S. Highway 2 and north of the Middle Fork of the Flathead River.

The project is proposed to be developed in three (3) phases. Phase I would include 34 multi-family structures with approximately 401 residential units. 215 units, including single-family and multi-family lots or structures, are proposed in Phase

II. Phase III would include a total of 289 dwelling units. A total of 905 residential units are proposed on the 90-acre site. All units in the subdivision are proposed to have public water and sewer systems.

**STAFF  
REPORT**

Kirsten Holland and Anne Thompson reviewed Staff Report FPP 06-53 for the Board

**BOARD  
QUESTIONS**

Robertson asked why Holland didn't have any reference in her report to the Canyon Plan.

Holland said she used the Master Plan because she felt it dealt with the issues better.

Cross asked about the interior roads of the subdivision and if any of them were still going to be forest service roads.

Holland said she didn't know what the applicant wanted to do with the forest service roads, but Staff would support anything that was paved.

Robertson said she read a letter stating a road maintenance agreement, in such a large development, would be problematic with 2000 residents.

Holland agreed, and said anything that would be difficult with 10 lots would also be difficult with 900 lots, but it could be possible.

Lapp asked about Phase 1 and if there would be any land division. He also asked if Phase I was only one lot.

Holland said it would be one big rental lot with 401 units. She passed out a map.

**APPLICANT**

Rich DeJana, represented Hungry Horse Development Partnership LLC, presented a PowerPoint presentation. He discussed the Canyon Plan and its importance to the development. Dennis Konopatzke and Dr. Leroy Byrd, members of Hungry Horse Development, discussed the goals and objectives of the development. Brian Wood, planner, discussed the Canyon Plan and the goals and policies within the plan. Ian Bailey, of TD&H, and Matt Gough, of HDR, discussed engineering and why the Columbia Falls Wastewater Treatment Plan is different.

**AGENCIES**

None present.

Written comments were received from the Montana Department of Transportation, City of Columbia Falls City Manager, Columbia Falls School Superintendent, Flathead County Road Department, Address Coordinator, Superintendent of Schools, Sheriff, the Environmental Health Department, and the Weed and Parks Department.

**PUBLIC  
COMMENT**

Beverley Bowen-Modee, 135 Deer Street, said she has lived in Hungry Horse since the 1980's. She was concerned about her property value because of the subdivision. She has numerous one-acre lots, with one dwelling per acre, and said the value of the property would go down if the subdivision were approved. She also received a phone call from a police officer in Columbia Falls stating in a couple of years, Hungry Horse, Martin City, and Coram would be incorporated. She said their taxes have doubled in the past five to six years, and affordable housing, equals low income housing, which equals more crime. She said she hopes the development doesn't get approved.

Sandra Lineweber, 253 2<sup>nd</sup> Ave S, said she had personal letters from two people and a petition of 195 people who are against the proposal. They were concerned about traffic, safety, crime, impacts to schools, fire safety, and lack of affordability. She stated deer, grizzly bears, and mountain lions inhabit the area and is concerned about the impact the subdivision would have on them and the safety of the public. She wouldn't be opposed to the subdivision if it were half the size.

John Hinchey, 1260 Belton Stage Rd, thinks this development would be too much development in such a small of a community. His concern is density, schools, fire protection, police, and traffic. It would not be prudent to squeeze a large development into a small community. He wanted the application to be denied.

Mike White, 999 Lake Blaine Rd, said he is a 3<sup>rd</sup> generation Hungry Horse gentleman. He said he would like to see some positive growth in Hungry Horse and he suggested positive growth in the area would not be bad. He wasn't at the hearing to argue density, and said the developers are willing to spend a lot of money to help Hungry Horse grow; people need to consider that.

Dee Brown, Hungry Horse, wrote one of the letters the Planning Board had received. She wanted to correct the Superintendent of Schools because Canyon elementary is K-5, not K-6 as previously stated. She wanted the project to be developed in a way that would benefit the community and said some development in Hungry Horse would be good. She was very concerned that the developer wanted an agreement with the school for a waste treatment plant on taxpayer land. The Canyon Elementary School started about 15 years ago and the Byrd family had been a big part of the community and school. She doesn't want to see a sewer system put on school property.

Rick Breckenridge, 1405 Hwy 2 West, wanted to discuss the traffic. He discussed math figures and how they were wrong in the Staff Report. He said the forest service is scaling down and that is going to minimize the traffic flow. The numbers should be reduced by 4200 trips per day. He also spoke about the septic system proposed and said it would be a system that would provide good, clean water.

Mike Riner, 84 Stafford Street, was concerned about what he read in the paper. He is all for the growth and he liked the idea of the 10-15 year plan for development. He said the applicant put things in a different perspective for him and he didn't see how the Planning Board could make such a big decision in one night.

Tim Gilt, 699 Trap Rd, said the applicant made a comment about wildlife impacts and he wanted to know what the data suggested about wildlife and human interaction. He asked about the septic system and how it would work with the growth of Hungry Horse. He also asked if the septic system would have to be fed at first until it was up to enough capacity to be self sufficient. He is very concerned about the traffic, and said it is much worse in the summer months. He discussed the narrow two way road and the effects this development would have on the increased traffic. His concern goes further than just the traffic in Hungry Horse, including the impact on Columbia Falls and other surrounding cities.

Vivian McNeme, 215 15<sup>th</sup> Ave S, said her family likes Hungry Horse but knows it is in need of some good development. She said when the Canyon Plan was adopted no one knew that a 900 lot subdivision would possibly be developed. She was glad Staff used the Master Plan instead of the Canyon Plan.

Olaf Ervin, 1658 North Fork Rd, said if the land was one narrow strip it would take 31 miles of road with lots on both sides. He said the subdivision would be high density next to something that is already dense.

Greg Stevens, 31 Lower Valley Road, had no real interest in this project. He said some statements made during the meeting got him interested. He said the Canyon Plan was adopted by the Commissioners and it was the law for anything proposed inside those boundaries. He said Staff choose to ignore the law therefore, the Staff report should not be used as findings-of-fact. He was impressed with the applicant's presentation and the project follows the Canyon Plan. He urged the Planning Board to recommend approval to the Commissioners.

James Down, 128 1<sup>st</sup> Ave S, wanted to comment about traffic and said people only talked about Hungry Horse but West Glacier, Essex, Coram, and Martin City all use the same roads. He went to a number of the meetings the developer put together and said he was confused. He said sometimes they say 10 years for build-out and sometimes they say 3 years. People will not want to vacation in a development that has low income housing. He was concerned that if they can't rent the apartments, they would be turned into Section 8 housing, which would affect crime and health care. He wanted to know who would put up the money to serve all the people. He was concerned about whether or not the water supply system would hold up and stated the more meetings he goes to the more confused he gets.

Stefanie Dohl, 9004 Hwy 2 East, said she was for development, but not this particular one. She said it was too much in too little space. They should spread their development into Coram, Martin City, and Essex as well. The schools are already full and the growth rate is rapid. She was concerned they wouldn't be able to rent out the apartments and they would turn into Section 8 housing.

Marian Kinerly, 608 1<sup>st</sup> Ave S, said the Canyon Plan is 12 years old and would like to put a moratorium on development, get a new neighborhood plan together, and become zoned. She thought the development could be merged into something that would be beneficial to the community.

Mike Nicosia, Superintendent of Schools in Columbia Falls, said he would not speak in favor or opposition of the subdivision. He said if there were 1000 units with ½ child per unit, the numbers would add up quickly. If there were too many kids for the school, they would have to build more and there is no money to do that. He said it took 25 years to get the bond to build the new Junior High and it will take a long time to get another bond passed.

Sharon Sutherland, has lived in Hungry Horse for 43 years. She said Mr. Byrd commented about the amount of bars in Hungry Horse when he moved there, but when she moved there, most of that disappeared. She said all the growth hasn't been positive, and when she thinks about a large development in a small area she thinks of the "ghettos". She was worried about inversions from the septic systems, and thought once a week the septic system would have to be opened up and it would stink.

**STAFF  
REBUTTAL**

Harris complimented the applicant on their presentation and stated there were some things Staff agreed with and other things they did not. He said when the applicants initially met with Staff, they were asked to create a neighborhood plan and the applicant said no. The transportation impact study is not completed yet, so Staff wouldn't have an outcome for that. He stated the Superintendent of School's figures are correct. He also stated if the apartments were to be converted to condominiums years after final plat, the conditions would be useless. It seemed to him the applicant's presentation was based on the Planning Board not having any reference to the Canyon Plan in the Staff Report. He said the applicant didn't focus on the goals within the plan. He asked the Planning Board to look in the Canyon Plan and read some of the goals that discussed maintaining the rural land use character of the Canyon.

Thompson discussed the service providers. She said fire and emergency ladder trucks are necessary. The comments from the EMS and Sheriff's department both said they didn't think it would have a big impact on the community because they thought

it was going to be high-income housing, not low-income housing, and therefore were not opposed to it. She said she didn't know where they got the idea that it would be high income housing, but the developer has made it clear that it would be mostly affordable housing. She stated affordable housing has to have some permanent controls of some kind to keep it affordable, and they would have to consider driving to work and how affordable that would be; you have to look at more things than just affordable living. She said the developer wanted a condition regarding covenants, but the Planning Office doesn't support it.

Holland wanted to address the applicant's presentation. She said the Applicant saying Staff doesn't support public water system is a blatant lie. She said Staff doesn't support making the community feel like it is their last hope. She is available and happy to write a complete section on the Canyon Plan in her Staff Report.

## **APPLICANT REBUTTAL**

DeJana said he wanted to talk about reality. He said the applicants cited the goals and policies of the Canyon Plan for the Board. He said there would not be 1,000 low income housing. There will be an affect on schools, but not what Mr. Nicosia had stated it would be. In his opinion, the problem is that people are not reading the application and just believe what Staff tells them. He said covenants could be placed on the face of the plat; they are going to have covenants to keep the housing affordable. He said not every policy is met in all subdivisions. He reiterated that Holland did quote that Staff doesn't support public water systems, and low income is affordable housing. He stated it is hard to do this kind of development; they came before this Board with a simple thing and they were not asking to fight over density. The Canyon Plan has to be the only law used in this subdivision. The plan is conceptual only; they might not have 400 apartments but that is the maximum.

Gough said the treatment plant would be fully enclosed. He said when the door is open there is a negative pressure and the plant is not a septic system or drain field. They are treating the water at such a high level that all the land has to do is infiltrate it. The DEQ requires you to build a septic system according to the expected gallons per person per day, which comes out to about 300,000 gallons a day. This technology has been around for about 15 years.

DeJana talked about the location of the sewer plant. He said

they picked that location because it would help the school but they don't have to put it there. He discussed traffic and said you get projects funded by generating the traffic to warrant the funds.

**BOARD  
DISCUSSION**

Larsen asked Gough if the septic system would have to be fed until it was at full capacity.

Gough said the treatment plant would have two trains and discussed how the equipment was going to be phased in. He said it would be phased accordingly so it wouldn't have to be fed.

Cross said he was still unclear as to what the developer intends to build for the sewer plant and what it would cost the community.

Gough said the treatment plant was going to be designed for however many homes is permitted and it would be designed according to what DEQ requires. He discussed, at length, the trains of the septic system and stated if the school wanted to add onto it they would have to pay for another train. He said it would save the school a lot of money.

Cross asked if there would be any odor.

Gough said there isn't a machine that measures odor; people do. He said they can't detect any odor in the septic system. He stated 99% or more of the odor will be eliminated before the air is released and said it would be designed to not have odor.

Cross asked if the treatment center was going to be on school property.

Gough said yes, it is a "win-win" situation for everyone because the school wouldn't have to build their own system. He showed where the system would be on the map.

Cross said he was unclear about the applicant's basic proposal. He said he understands they didn't like the Staff Report.

Konopatzke said they would just put in infrastructure and then sell the entire lot once they had a buyer.

Cross said he understood they could build the apartments right



now and then sell individual pieces. He asked if that would require further subdivision.

Konopatzke said they could build the apartments right now but would have to come to the Board again if they wanted to further subdivide. He said 400 units would be the maximum density for the lot and the units wouldn't be built all at once.

Cross asked if they would build the entire infrastructure at once.

Konopatzke said yes.

Cross said he felt that their long term goal was not Hungry Horse as they would be selling the property to someone else outside of Hungry Horse.

Konopatzke said it would depend on the absorption rates for the rest of the lots.

Cross asked if they were just asking for density guidance.

Konopatzke said yes, they looked at the market and affordable housing is the demand right now. He said they are very concerned about the impact on the community, and the market dictates the absorption and growth of the subdivision. He stated in Iron Horse 90% of the lots are sold but only 30% are built on.

DeJana said they were asking to create 4 major lots and have some guidance for density. He said if someone wants to subdivide the lots, then it would have to come back to the Planning Board.

Lapp asked if Phase 1 would be built in anticipation of selling it to someone else, and if infrastructure would be in order to meet the final plat.

DeJana said sewer and water and anything else that was needed.

Lapp asked if the sewer treatment plant would be built first.

DeJana said yes.

Larsen commented on Phase 1 and asked if it was just

conceptual.

DeJana said yes; there are 3 conceptual drawings as they wanted the Planning Board to have an idea of what might happen.

Larsen asked if Phase 1 would be the maximum density.

DeJana said yes.

Lapp asked if the parking area would be included in the maximum density.

DeJana said yes.

Lapp made the statement that the Board isn't approving anything at all.

DeJana said that's correct.

Lapp asked if all of this could be happening right now.

DeJana said it could happen right now.

Lapp asked if the 400 units were based on economic scale.

Konopatzke said 400 units were based on per unit cost for infrastructure and the units guide them on the size of the septic system.

Robertson asked if the application was for one lot.

DeJanna said no, it's for 4 lots.

Robertson said the application included specific densities and if the Board were to approve it they will be approving preset densities.

DeJana said yes, they would be approving that as the maximum density.

Hines asked when the application was sufficient.

Harris said the application was deemed sufficient on November

1, 2006.

Larsen asked when it would have to be acted on.

Harris replied, by February 1, 2007.

**MAIN MOTION** Fleming made a motion seconded by Robertson to adopt Staff Report FPP-06-53 as Findings of Fact and recommended **denial** to the Board of County Commissioners.

**BOARD DISCUSSION** Fleming said she did not like the idea of affordable housing because they will end up selling for whatever the market is. She said areas further out don't cost as much, but people move in and buy them and the price goes up. People would have to work somewhere else and more busses would have to be purchased for the kids. She said people looking to retire are not going to want to live in an affordable housing subdivision and assisted living people would not want to live that far away from every day needs and services. More street lights would have to be put in, which means the subdivision wasn't planned very well. She agreed they are using urban density and stated the fire departments don't have enough trained people to take care of the development. She didn't like the idea of building a sewer system on school property.

Dziza said the developer lost him when it came to affordable housing. He said everyone in the subdivision would have to drive to Kalispell to work, and he doesn't see seasonal people or retired people moving into this type of housing. When he thinks about apartments, he thinks of young working people. He stated relying on the absorption rate for a project of this size would be reckless. He would rather see something very detailed and have build-out assurance for a project this size. He said relying on the Canyon Plan to support the project would also be reckless. He read, for the Board, the section of the Canyon Plan that discusses slow growth and density.

Robertson said the comment regarding the CC&R's was because the County Attorney had advised them not to address covenants. She said by the time people pay for the fire suppression, EMS, and hook ups to the sewer they would be priced out of their homes. She felt if they took a vote from the community, the proposal would be denied.

Lapp said the plan is a "cutting edge" plan, but they don't have

the direction to do it. He read part of the Canyon Plan that discusses taxes and improvement and stated people who live in the Canyon have tried to create their own community with their own comfort level. He doesn't think this development would keep with that. He said everyone has an opinion on density but he had some issues with the amount of units going in.

Cross thought the plan had some positive things in it and he appreciated the fact the developers were willing to invest a lot of money into it. He said this particular plan was half-baked as they don't have any assurance this development would end up like the conceptual plan. He wished there would have been a workshop so the Board could have worked with the developers to make a plan that would work for everyone. There were makings for a project in Hungry Horse, but it needed to be better planned out.

Larsen said there were some positive things for the community, one of them being the sewer plant. He said he liked the fact that it was a planned development for the entire area. He disagreed with Robertson on taking a community vote because he doesn't think that's how it works with development. When he evaluates a project he tries to find out if they can mitigate public safety. He stated there were some issues with the project itself, but thought the project had a lot of potential. He thought there could be a lot of positive things come out of the development.

Dziza said he wouldn't mind putting more time into the project.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion passed on an 8-1 vote with Larsen dissenting.

**OLD  
BUSINESS**

Harris handed out a draft of a form letter for mid-course correction. He said the staff put the letter together and wanted the Board to make comments on it.

**NEW  
BUSINESS**

Dziza asked if there was going to be any new orientation for the new board members.

Harris said yes, on January 24, 2007. He said staff would invite

the Board of Adjustment as well. They would pass out a draft of the itinerary at a later date. He stated that the orientation will be at the Vista Linda, in Somers. Jonathan Smith, County Attorney, would be there to address findings-of-fact and other issues so the Board might not get sued as often, and also how to run a meeting. He said no one had ever offered any assistance to the land use advisory committees about how to run a meeting, and Staff was thinking about inviting them to some of Jonathan's presentations on meetings.

Larsen and Lapp thanked the Board and said they enjoyed serving with them.

**ADJOURNMENT** The meeting was adjourned at approximately 11:05 p.m. on a motion by Cross seconded by Toavs. The next meeting will be held at 6:00 p.m. on January 10, 2007.

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Jeff Larsen, President

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Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 2/14/07